

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



Serial No. : 10/562,742/
Applicants : Kyoichi SHIMOMURA et al.
Filed : December 29, 2005
For : INHIBITOR OF PAIN
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Art Unit : 1617
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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP AMENDMENT

S I R :

The owner of a 100% interest in the above-identified present application, namely, the Assignee of record:

Assignee: SANTEN PHARMACEUTICAL CO., LTD.

Assignment recorded on: December 29, 2005

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hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified present application, which extends beyond the expiration date of

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Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by Form PTO-2038 attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

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the full statutory term of commonly owned U.S. Patent No. 7,410,987, as the term of U.S. Patent No. 7,410,987 is defined in 35 USC 154 to 156, and as the term of U.S. Patent No. 7,410,987 is presently shortened by any terminal disclaimer.

The owner also hereby agrees that any patent granted on the above-identified present application shall be enforceable only for and during such period that the patent granted on the above-identified present application is commonly owned with U.S. Patent No. 7,410,987.

This Agreement is to run with any patent granted on the above-identified present application and is to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified present application that would extend to the expiration date of the full statutory term (as defined in 35 USC 154 to 156) of U.S. Patent No. 7,410,987, as the term of U.S. Patent No. 7,410,987 is presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 7,410,987: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned is an attorney of record in the above-identified present application and is empowered to sign this Terminal Disclaimer on behalf of the Assignee.

A Form PTO-2038 authorizing a charge of \$140 is attached to cover the USPTO fee. If any further fees are required, authorization is given to charge the same against Deposit Account No. 06-1378.

Date: May 4, 2009

By: 

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